



Bureau of Consumer Protection

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FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

T.R.A. DOCKET ROOM

June 23, 2003

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CONSUMER SERVICES DIVISION

JUN 24 2003

TN REGULATORY AUTHORITY

VIA FACSIMILE

Eddie Roberson
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Dear Mr. Roberson:

03-00390

I appreciate the opportunity to speak with you and your colleague, Richard Collier, earlier this afternoon regarding implementation of the FTC's National Do Not Call Registry and harmonization of that registry with the Tennessee's Do Not Call Register. As I mentioned, I am in charge of the Division that is responsible for creating and implementing the National Registry, and I am pleased to provide you with additional information as to how it will operate.

I understand that you have two concerns regarding the interface between the National Registry and the Tennessee Register. I believe we can address each concern as follows: First, each telemarketer/seller will have to register at a designated web site, which we are now building, in order to purchase telephone numbers (sorted by area code) to comply with the Telemarketing Sales Rule. We can provide information on relevant state laws to the telemarketer at the point of registration by setting up hyperlinks on our web site. I cannot at this time give you specific detail on how the site will look, but any telemarketer should be able to locate relevant state law information with ease. As such, I think our site will afford adequate notice of any Tennessee state law requirements to telemarketers.

To complement that notice, we would work with our Office of Public Affairs to ensure that any pertinent press inquiries from Tennessee are responded to with information about the existence of state law requirements for telemarketers and with information on the link to state laws.

Second, we discussed whether the National Do Not Call Registry web site could include information as to whether a telemarketer/seller had, in fact, accessed the hyperlink to Tennessee state law requirements or otherwise "certify" that the telemarketer was in compliance with state law. Neither option is practicable. From a technical standpoint, the site is not being designed to capture such information from telemarketers. Further, such a collection of information has never been a part of our rule making proceeding or part of the implementation of the rule amendments. Also, as a matter of policy, I do not think it prudent to have us collect information from private entities regarding their compliance with state laws.

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Nonetheless, I believe the system will afford you ready and easy access to the information you seek. Through the secure Consumer Sentinel system, you will have 24-hour, 7-day access to information on any telemarketer who has purchased, from the National Registry, any Tennessee area codes. That information will include company name and contact information, as well as information on when the telemarketer accessed the National Registry and precisely which area codes were accessed. That list can be used as a point of comparison with your own telemarketer registration information and serve as a critical resource to safeguard compliance. I also suggest that use of this list will provide a more reliable basis from which to pursue possible non-compliance than any information that might be gleaned through FTC gathering of information from telemarketers who access the National Registry.

I hope this information is useful. I firmly believe that consumers will benefit by the sharing of the Tennessee Register information and hope that we can achieve that goal. As I mentioned, I will be out of the office much of Tuesday morning, but would be happy to discuss any of these points in further detail. In my absence, please contact David Torok, at 202-326-3075. I appreciate your assistance and look forward to working with you.

Very truly yours,



Lois C. Greisman
Associate Director
Division of Planning & Information